

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSEPH P. HICKEY and LAUREL ULRICH,  
*individually and as guardian of two minor  
children,*

Plaintiffs,

-against-

JOSEPH P. SMITH, JOSEPH J. GRILLO,  
RICHARD F. PASSARELLI, JOSEPH C.  
PHAIR, BV AT JFK, INC., J. CALDWELL  
CORPORATION, JJJ&R CORPORATION,  
VERONICA & JOSEPHINE CORPORATION,  
C. SMITH CORPORATION, STRATHROY  
PARK CORPORATION, and R.J.J.J.  
RESTAURANT CORPORATION,

Defendants.

USDC SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: 4/23/2024

1:23-cv-2538 (MKV)

**ORDER**

MARY KAY VYSKOCIL, United States District Judge:

On March 15, 2024, with leave of Court, Plaintiffs filed the Second Amended Complaint. [ECF No. 94]. On April 3, 2024, Defendants moved for an extension of time to respond to the Second Amended Complaint. [ECF No. 101]. The Court granted Defendants' request. [ECF No. 102]. On April 22 and 23, 2024, Defendants filed motions to dismiss the Second Amended Complaint. [ECF Nos. 104, 106, 108]. Defendants did so without complying with Rule 4.A.i of the Court's Individual Rules of Practice in Civil Cases, which requires that "parties wishing to file a motion to dismiss . . . should, prior to filing any motion, request a pre-motion conference with the Court."

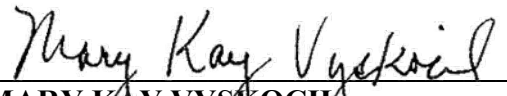
Accordingly, IT IS HEREBY ORDERED that Defendants' motions to dismiss are DENIED without prejudice to renewal following Defendants' request for a pre-motion conference in compliance with the Court's Individual Rules. IT IS FURTHER ORDERED that Defendants

shall make such a request for a pre-motion conference, or otherwise respond to the Second Amended Complaint, no later than April 30, 2024.

The Clerk of Court is respectfully requested to terminate the motions pending at docket entries 104, 106, and 108.

**SO ORDERED.**

**Date: April 23, 2024**  
**New York, NY**

  
**MARY KAY VYSKOCIL**  
**United States District Judge**